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12
13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15

16 ALBERT DYTCH,

17 Plaintiff,

18 v.

19 HOME DEPOT U.S.A., INC., dba HOME
DEPOT #627; EAST BAY BRIDGE
20 RETAIL, LLC;

21 Defendants.
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Case No. 4:16-cv-02049-HSG

**STIPULATION TO CONTINUE
HEARING AND BRIEFING
SCHEDULE ON PLAINTIFF'S
MOTION FOR LEAVE TO FILE
AMENDED COMPLAINT; ORDER**

Current Hearing Date: April 6, 2017

Proposed Hearing Date: April 20, 2017

Proposed Opposition Deadline:
March 20, 2017

Proposed Reply Deadline:
March 27, 2017

Case No. 4:16-cv-02049-HSG

SMRH:481746667.2

STIPULATION TO CONTINUE HEARING AND BRIEFING SCHEDULE ON
PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT; ~~PROPOSED~~
ORDER

1 The undersigned parties bring this joint stipulation to respectfully
2 request that this Court continue the hearing on Plaintiff Albert Dytch's ("Plaintiff")
3 Motion for Leave to File an Amended Complaint (the "Motion"), presently set for
4 April 6, 2017, at 2:00 p.m.

5
6 Plaintiff and Defendant Home U.S.A., Inc. ("Defendant") represent that
7 good cause exists for this continuance. On March 10, 2017, the Parties resolved the
8 action but the Parties are working to finalize the settlement documents. To avoid
9 prejudicing Plaintiff in his ability to move to amend his complaint should the Parties
10 not be able to finalize the settlement documents, both counsel for Defendant and
11 Plaintiff, have agreed to continue the hearing date on Plaintiff's Motion to April 20,
12 2017. This continuance will allow the Parties time to finalize the settlement
13 documents without waste the Court's time and resources in evaluating Plaintiff's
14 Motion which will likely become moot. In light of the proposed change of the
15 hearing date, the Parties request that the deadline for Defendant to file its opposition
16 brief be extended to March 20, 2017, and the deadline for Plaintiff's reply brief
17 extended to March 27, 2017. The change of hearing date and briefing schedule will
18 not affect the dates currently set in the case.

19
20 Plaintiff and Defendant have met and conferred about this issue and
21 have agreed to continue the hearing date and briefing schedule on the Motion to
22 April 20, 2017. Both Parties believe that the change in the hearing date will allow
23 the Parties to focus on fully and finally settling the matter and avoid wasting the
24 Court's already burdened resources.

1 WHEREFORE, the parties jointly and respectfully request that this
2 Court continue the hearing date on the Motion from April 6, 2017 to April 20, 2017,
3 and that any opposition be filed by March 20, 2017, with any reply filed by March
4 27, 2017.

5
6 IT IS SO STIPULATED.

7 Dated: March 10,, 2017

8 MISSION LAW FIRM, A.P.C.

9
10 By /s/ Tanya E. Moore
11 TANYA E. MOORE
12 Attorney for Plaintiff ALBERT DYTCH

13 Dated: March 10, 2017

14 SHEPPARD, MULLIN, RICHTER &
15 HAMPTON LLP

16
17 By /s/ Hayley S. Grunvald
18 GREGORY F. HURLEY
19 HAYLEY S. GRUNVALD
20 Attorneys for Defendant HOME DEPOT
21 U.S.A., INC..

ORDER

The parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that the April 6, 2017 hearing on Plaintiff's motion to amend his complaint is continue to April 20, 2017 at 2:00 p.m. Defendant's opposition will be due by March 20, 2017, and Plaintiff's reply will be due by March 27, 2017.

IT IS SO ORDERED.

DATED: March 13, 2017



HON. HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE